

# **EXHIBIT 6**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

**ASD SPECIALITY HEALTHCARE, INC., d/b/a  
ONCOLOGY SUPPLY COMPANY  
2801 Horace Shepard Drive,  
Dothan, Alabama 36303,**

**Plaintiff,**

**vs.**

**ROBERT G. HICKES, M.D.,  
1301 Trumansburg Road, Suite Q  
Ithaca, New York 14850,**

**Defendant.**

**CIVIL ACTION NO.:  
1:05CV592-T**

**ANSWER**

COMES now ROBERT G. HICKES, M.D. P.C. (the "Professional Corporation"), and for its answer to the First Amended Complaint says as follows:

- 1-4. The Professional Corporation admits to the averments of paragraphs 1-4.
- 5-6. The Professional Corporation denies the averments of paragraphs 5-6.
7. The Professional Corporation admits to the averments of paragraph 7.
8. The Professional Corporation denies the averments of paragraph 8.
- 9-12. The Professional Corporation admits the averments of paragraphs 9-12.
13. The Professional Corporation denies the averments of paragraph 13.
14. The Professional Corporation incorporates its previous responses.
- 15-18. The Professional Corporation admits the averments of these paragraphs.
19. The Professional Corporation incorporates its previous responses.

20-25. The Professional Corporation admits the averments of these paragraphs.

26. The Professional Corporation incorporates its previous responses.

27-33. The Professional Corporation admits the averments of these paragraphs.

34. The Professional Corporation incorporates its previous responses.

35-37. The Professional Corporation admits the averments of paragraphs 35-37.

38. The Professional Corporation incorporates its previous responses.

39-41. The Professional Corporation denies the averments of paragraphs 39-41.

42. The Professional Corporation incorporates its previous responses.

43-49. The Professional Corporation denies the averments of paragraphs 43-49.

#### **FIRST AFFIRMATIVE DEFENSE**

This Court lacks jurisdiction over the Professional Corporation.

#### **SECOND AFFIRMATIVE DEFENSE**

The plaintiff's claims against the Professional Corporation are barred by estoppel.

#### **THIRD AFFIRMATIVE DEFENSE**

The plaintiff's claims against the Professional Corporation are barred by waiver.

#### **FOURTH AFFIRMATIVE DEFENSE**

The plaintiff's claims against the Professional Corporation are barred by Statute of Limitations.

/s/ C. Ellis Brazeal III

Attorney for the Defendant, Robert G.  
Hickes, M.D.

**OF COUNSEL:**

Walston, Wells, & Birchall LLP  
1819 5<sup>th</sup> Avenue North, Suite 1100  
Birmingham, Alabama 35203  
Telephone: (205) 244-5237  
Telecopier: (205) 244-5437

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing Answer has been severed electronically to the following said individuals and/or by placing same in the U.S. First Class Mail, as follows:

James J. Robinson  
Heath A. Fite  
BURR & FORMAN LLP  
3100 SouthTrust Tower  
420 North 20<sup>th</sup> Street  
Birmingham, Alabama 35203

This the \28<sup>th</sup>\ day of February, 2006.

\s\ C. Ellis Brazeal III  
OF COUNSEL

**Fite, Heath**

---

**From:** efile\_notice@almd.uscourts.gov

**Sent:** Tuesday, February 28, 2006 3:58 PM

**To:** almd\_mailout@almd.uscourts.gov

**Subject:** Activity in Case 1:05-cv-00592-MHT-VPM ASD Specialty Healthcare, Inc. v. Hickes "Answer to Amended Complaint"

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

**U.S. District Court**

**Alabama Middle District**

**Notice of Electronic Filing**

The following transaction was received from Brazeal, Clyde Ellis entered on 2/28/2006 at 3:57 PM CST and filed on 2/28/2006

**Case Name:** ASD Specialty Healthcare, Inc. v. Hickes

**Case Number:** 1:05-cv-592

**Filer:** Robert G. Hickes, M.D., P.C.

**Document Number:** 35

**Docket Text:**

*Answer* ANSWER to Amended Complaint by Robert G. Hickes, M.D., P.C..(Brazeal, Clyde)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1053018227 [Date=2/28/2006] [FileNumber=497203-0]

[6e241096db66e78f51fe7b32f562bac08cc072b15a65bae0305b4ea50e4741731095

e8fda18834937bf440cdf2851f0dd7f17e32c99f022fabe0ca284ffd93cb]]

**1:05-cv-592 Notice will be electronically mailed to:**

Clyde Ellis Brazeal , III ebrazeal@walstonwells.com, tmoody@walstonwells.com

Heath Alan Fite hfite@burr.com, cfalctmail@burr.com

James Jack Robinson jrobinson@burr.com

**1:05-cv-592 Notice will be delivered by other means to:**

Robert G. Hickes, M.D., P.C.

c/o Robert J. Holdsworth, Jr.

3/2/2006

Holdsworth & Feeney, LLP  
950 Danby Road  
Suite 210  
Ithaca, NY 14850

3/2/2006